

EXHIBIT 5

FILED UNDER SEAL

*Transcript from the January 30, 2023
Deposition of Kevin Almeroth*

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<p>1 standalone mode and continued to be in standalone 9:59AM 2 mode. Your hypothetical did not describe that 3 detail. 4 So really, given it's incompleteness, the 5 best that I could say is that it depends on some of 9:59AM 6 the additional details. And those being details 7 that would be required of the claim but weren't 8 included in your hypothetical. 9 BY MR. KAPLAN: 10 Q With respect to player A where you said 9:59AM 11 you couldn't tell from my hypothetical scenario 12 whether it was in standalone mode or not, besides 13 player A playing back music individually, what 14 additional information would you require to 15 determine whether or not player A was in standalone 10:00AM 16 mode? 17 MR. SHEA: Objection to form. 18 THE WITNESS: It's hard to say in the 19 hypothetical. Typically what I relied on for 20 infringement is that it was not in group mode, that 10:00AM 21 it wasn't part of the launched group. 22 BY MR. KAPLAN: 23 Q So taking a speaker that's playing back 24 music individually, with that alone, you can't tell 25 whether that would be a standalone mode speaker or 10:00AM Page 58</p>	<p>1 question? 10:02AM 2 BY MR. KAPLAN: 3 Q If player A was an accused Google player 4 playing back media individually, can you tell me 5 whether or not player A is in standalone mode or 10:02AM 6 not? 7 MR. SHEA: Sorry, objection to form. 8 Marc, are we now talking about your 9 modified Scenario 3 or are you just asking a 10 question outside the context of that? It's not 10:03AM 11 super clear to me at this point. 12 MR. KAPLAN: That's a speaking objection. 13 If the witness has a question for me, he can ask it. 14 But you can't object like that. 15 MR. SHEA: I'm just trying to make sure 10:03AM 16 the record is clear, Marc. I'm just asking so we're 17 all on the same page. 18 MR. KAPLAN: That's a continued speaking 19 objection. But if the witness has a question for 20 me, he can ask it. 10:03AM 21 THE WITNESS: In the context of an accused 22 Google device, I would have to double check, for 23 example, whether or not you can have a group with 24 only one member in it. 25 But if you're not in a launched group, 10:04AM Page 60</p>
<p>1 not; is that right? 10:00AM 2 MR. SHEA: Objection to form. 3 THE WITNESS: Well, I can envision a 4 system that doesn't have modes at all and so 5 characterizing a speaker as being in standalone mode 10:01AM 6 just because it was playing audio does not seem like 7 it would follow in the context of determining 8 whether or not a limitation was met. 9 If that's all that you had was -- sorry. 10 If that's all that you had was that it was playing 10:01AM 11 audio, that wouldn't be sufficient to determine 12 whether or not it was in standalone mode or not. 13 BY MR. KAPLAN: 14 Q I apologize, I did not mean to speak over 15 you. I thought you were done with your answer. 10:01AM 16 A That's fine. 17 Q If I had said that the hypothetical 18 scenario was player A where player A was an accused 19 Google player and that was playing back media 20 individually, then could you answer the question of 10:02AM 21 whether or not you can tell if it's in standalone 22 mode or not? 23 MR. SHEA: Objection to form, incomplete 24 hypothetical. 25 THE WITNESS: Could you repeat the 10:02AM Page 59</p>	<p>1 then you would be -- and you were playing audio -- 10:04AM 2 or actually, regardless of whether or not you were 3 playing audio, if you weren't part of a launched 4 group, you -- I say "you," so let me start over. 5 If an accused Google player were not in a 10:04AM 6 launched group, I'm not aware sitting here right now 7 of any scenario where it would not be in standalone 8 mode. 9 BY MR. KAPLAN: 10 Q If an accused Google player was in a group 10:05AM 11 where the speaker was the only member of the group 12 and it was playing back media, would that speaker be 13 a standalone mode speaker? 14 MR. SHEA: Objection to form. 15 THE WITNESS: I am not sure what that 10:05AM 16 would look like, so I would have to go back and see 17 if you could have a launched group with a single 18 member. 19 But if you're not in a launched group, as 20 I testified to you, I'm not aware sitting here right 10:05AM 21 now of scenarios where you wouldn't be in standalone 22 mode. 23 BY MR. KAPLAN: 24 Q Are you accusing speakers that are in a 25 launched group with only a single member of 10:06AM Page 61</p>

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<p>1 BY MR. KAPLAN: 10:13AM</p> <p>2 Q Can a device be configured to play back</p> <p>3 media individually if it has been stopped?</p> <p>4 A I think it would be the same answer.</p> <p>5 In the context of the accused players, 10:13AM</p> <p>6 they can be in standalone mode even when they are</p> <p>7 stopped, even when they are not currently playing</p> <p>8 audio producing sound waves.</p> <p>9 Q An accused player can be in standalone</p> <p>10 mode when it's playing back media individually; 10:13AM</p> <p>11 right?</p> <p>12 A An accused player can be in standalone mode</p> <p>13 and be playing audio individually.</p> <p>14 Q An accused player could also be in</p> <p>15 standalone mode if it is paused from playing back 10:14AM</p> <p>16 media individually; is that right?</p> <p>17 A It would be the same answer.</p> <p>18 Q Your answer before was playing audio</p> <p>19 individually, so I don't think that would apply. So</p> <p>20 let me try one more time. 10:14AM</p> <p>21 An accused player could also be in</p> <p>22 standalone mode if it is paused from playing back</p> <p>23 media individually; is that right?</p> <p>24 A With this example and with others, if the</p> <p>25 device is not in group mode and it's in standalone 10:14AM</p> <p style="text-align: right;">Page 66</p>	<p>1 have enough information to determine whether it is 10:16AM</p> <p>2 or is not.</p> <p>3 BY MR. KAPLAN:</p> <p>4 Q What more information would you need?</p> <p>5 A It's hard for me to give you a specific 10:16AM</p> <p>6 list. In the context of an accused product, I would</p> <p>7 look to see whether or not it's in group mode. If it</p> <p>8 wasn't in group mode, then I believe it would be in</p> <p>9 standalone mode.</p> <p>10 Q How do you tell for a device that's not 10:17AM</p> <p>11 playing back media whether it's in group mode or</p> <p>12 not?</p> <p>13 A I would look to determine whether or not,</p> <p>14 say, for example, in the '966 patent, whether or not</p> <p>15 that device was operating in accordance with the first 10:17AM</p> <p>16 predefined group of zone players such that the first</p> <p>17 zone player is configured to coordinate with at least</p> <p>18 the second zone player the output media in synchrony</p> <p>19 with output of media by at least the second zone</p> <p>20 player. 10:17AM</p> <p>21 Q I think you just read the claim language</p> <p>22 and I'm trying to ask a simpler question to figure</p> <p>23 out what your opinions are. Let me try again.</p> <p>24 How do you tell for a device that's not</p> <p>25 playing back media whether it is in group mode or 10:18AM</p> <p style="text-align: right;">Page 68</p>
<p>1 mode, then whether it's playing sound waves or not is 10:14AM</p> <p>2 a -- it's still configured to play back media</p> <p>3 individually.</p> <p>4 Q Is an accused device in standalone mode --</p> <p>5 strike that. 10:15AM</p> <p>6 Can an accused device be in standalone</p> <p>7 mode if it was playing back media individually and</p> <p>8 it has been paused?</p> <p>9 A If nothing else has changed about the</p> <p>10 accused product other than the sound is no longer 10:15AM</p> <p>11 coming out of the speaker because it's been paused, it</p> <p>12 would still be configured to play back media</p> <p>13 individually and be in standalone mode.</p> <p>14 Q Can an accused device be in standalone</p> <p>15 mode if it was playing back media individually and 10:15AM</p> <p>16 the application causing the player to play back</p> <p>17 media individually has been stopped?</p> <p>18 A If that's the only thing that's different</p> <p>19 about the device, it was still in standalone mode and</p> <p>20 the application that was playing the audio was 10:16AM</p> <p>21 stopped, it would still be in standalone mode.</p> <p>22 Q Is a device that is not playing back media</p> <p>23 in standalone mode?</p> <p>24 MR. SHEA: Objection to form.</p> <p>25 THE WITNESS: That's incomplete. I don't 10:16AM</p> <p style="text-align: right;">Page 67</p>	<p>1 not in group mode? 10:18AM</p> <p>2 MR. SHEA: Objection to form.</p> <p>3 THE WITNESS: So that's the way I would</p> <p>4 determine whether or not it was this group mode</p> <p>5 would be to look at the requirements of the claim 10:18AM</p> <p>6 language to see if those were met or not.</p> <p>7 If there was some portion of at least for</p> <p>8 the '966 patent that was not met by what is required</p> <p>9 of operating in accordance with the predefined</p> <p>10 group, then it's not in group mode. 10:18AM</p> <p>11 And if it's not in group mode, then I</p> <p>12 believe it would be in standalone mode.</p> <p>13 BY MR. KAPLAN:</p> <p>14 Q When the speaker is not playing back</p> <p>15 media, in which cases will it be operating in 10:18AM</p> <p>16 accordance with --</p> <p>17 THE REPORTER: In accordance with --</p> <p>18 THE WITNESS: Your question is an</p> <p>19 incomplete hypothetical. I don't have the kinds of</p> <p>20 information I would need to determine whether or not 10:19AM</p> <p>21 it was operating group mode or standalone mode.</p> <p>22 BY MR. KAPLAN:</p> <p>23 Q What information would you need to</p> <p>24 determine whether or not the speaker was operating</p> <p>25 in group mode when it was not playing back media but 10:19AM</p> <p style="text-align: right;">Page 69</p>